

BEFORE THE BOARD OF PLUMBERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed ) NOTICE OF PUBLIC HEARING  
amendment of ARM 24.180.607 ) ON PROPOSED AMENDMENT  
pertaining to temporary practice ) AND ADOPTION  
permits and the proposed adoption )  
of NEW RULE I pertaining to )  
continuing education requirements )

TO: All Concerned Persons

1. On July 8, 2005, at 1:00 p.m., a public hearing will be held in room B-07 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact Mr. Dan Bernhardt no later than 5:00 p.m., July 1, 2005, to advise us of the nature of the accommodation you need. Please contact Mr. Dan Bernhardt, Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2350; Montana Relay 1-800-253-4091; TDD (406) 444-2978; Facsimile (406) 841-2309; e-mail dlibsdpplu@mt.gov.

3. The rule as proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.180.607 TEMPORARY PRACTICE PERMITS (1) and (2)  
remain the same.

(3) A second temporary permit will be issued only to an applicant who:

(a) has failed the examination with a score of 65 through 69%;

(b) is scheduled to take the next scheduled examination;  
and

(c) upon receipt of:

(i) a letter from the applicant requesting a second temporary permit and requesting to be scheduled for the next scheduled examination;

(ii) a letter from the employer stating that the applicant is employed and under the direct supervision of a licensed master plumber; and

(iii) payment of the appropriate fees.

(4) If the applicant does not appear for, cancels or fails the next scheduled examination, the second temporary permit expires on the date the board office learns of that occurrence.

~~(3)~~(5) An applicant for the master plumbing license may not work as a master until such time as ~~he~~ the applicant successfully passes the master's examination and a master plumber's license has been issued to ~~him~~ the applicant.

AUTH: 37-1-319, MCA

IMP: 37-1-305, MCA

REASON: It is reasonable and necessary to amend ARM 24.180.607 easing the process for an applicant who has failed the examination to obtain a second temporary permit. Currently, if an applicant fails their first exam, they are required to submit a request to the Board of Plumbers to obtain a second temporary permit. Because the Board meets quarterly, the applicant is unable to work and may be required to wait up to three months to hear a response. There have been recent instances of such situations. By allowing the Department to issue a second temporary permit to an applicant who meets the above requirements, the Board believes it is improving the current Administrative Rules to benefit both the licensees and the public. It is also reasonable and necessary to insert gender-neutral language into (5) while the rule is otherwise being amended.

4. The proposed new rule provides as follows:

NEW RULE I CONTINUING EDUCATION REQUIREMENTS

(1) Beginning September 1, 2006, each journeyman or master plumber shall obtain at least four hours of board approved continuing education annually in order to renew the person's license. The license renewal application must be signed by the licensee and certify that the licensee has completed the required amount of continuing education.

(a) New licensees are exempt from the requirements during their first renewal cycle. Those licensees changing from journeyman licenses to master plumber licenses are not exempt from completing at least four hours of continuing education.

(2) In general, courses should be designed to advance the knowledge and skills of licensees. A licensee may receive credit only for continuing education courses that have received prior approval of the curriculum by the board or the department and to which a course approval number has been assigned by the department. Course approval expires when changes in plumbing code, statutes or rules necessitate.

(a) Course curriculum must be based on:

(i) the adopted state plumbing code;

(ii) Title 37, chapter 69, MCA, pertaining to licensure of plumbers;

(iii) Title 50, chapter 60, MCA, pertaining to building codes and permit requirements;

(iv) ARM Title 24, chapter 180, pertaining to the board's rules;

(v) ARM 24.301.301 through 24.301.351, pertaining to building code plumbing matters; or

(vi) other subjects related to the plumbing industry, as approved by the board.

(b) Course sponsors are responsible for ensuring that instructors are credentialed as one or more of the following:

(i) a Montana licensed journeyman or master plumber, with additional training in related subject areas;

(ii) a certified teacher with board approved plumbing credentials;

(iii) a certified journeyman and apprentice plumbing inspector;

(iv) a plumbing inspector possessing a state journeyman or master plumber's license; or

(v) continuing education instructor from another state or jurisdiction who is approved by the board.

(c) Course sponsors shall provide the department with a minimum of 15 working days prior notice of the time and place of every course or seminar.

(d) Course sponsors shall provide each person completing a continuing education course with a completion certificate. The completion certificate must contain all of the following information:

(i) the date of course;

(ii) the location of course;

(iii) the name of instructor(s);

(iv) the name of licensee completing the course;

(v) the state assigned course approval number; and

(vi) the number of completed hours of instruction.

(3) For quality assurance or evaluation purposes, representatives of the department or the board may audit the course for content without charge. Such a person shall not receive or be issued a certificate of completion for that course.

(4) The department may conduct a random audit of up to 30% of all active licensees following the license renewal process.

(a) All licensees shall retain course completion certificates for a minimum of three years, for auditing purposes.

(b) Audited licensees are required to furnish to the department certificates of completion which demonstrate attainment of the four hour continuing education requirement.

(c) Failure by the licensee to provide certificates of completion when audited shall constitute grounds for implementation of disciplinary proceedings against the licensee.

(5) All requests for exemption from the continuing education requirements will be reviewed by the board and determinations will be done on a case-by-case basis.

(6) If a licensee does not timely file a renewal application, and thereafter files a late renewal application, the late renewal application must contain documentary proof

that the licensee has obtained the required amount of continuing education.

AUTH: 37-69-202, MCA

IMP: 37-1-306, MCA

REASON: The board believes it is reasonably necessary to implement a continuing education program to better protect the public health, safety and welfare. Better education for all licensees means better service to the public and fewer instances of ineffectual and incompetent workmanship. The financial impact per licensee will vary depending upon each licensee's professional affiliation. The board does not anticipate the cost to any licensee will be more than \$50.00 per year. There will be approximately 1,658 affected licensees. A survey conducted in 2001 showed that 61% of all licensees supported continuing education for the plumbing profession.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted by mail to Mr. Dan Bernhardt, Board of Plumbers, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdpplu@mt.gov](mailto:dlibsdpplu@mt.gov) and must be received no later than 5:00 p.m., July 18, 2005.

6. An electronic copy of this Notice of Public Hearing is available through the Department and Board's web site on the World Wide Web at <http://www.plumber.mt.gov>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Plumbers maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Plumbers administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Plumbers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-

0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdpplu@mt.gov or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor requirements of 2-4-302, MCA do not apply.

9. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PLUMBERS  
TIM REGAN, PRESIDING OFFICER

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER  
Mark Cadwallader  
Rule Reviewer

Certified to the Secretary of State June 6, 2005